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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,924	03/22/2006	John Petruzzello	US03 0345 US2	5007

65913 7590 01/07/2009

NXP, B.V.  
NXP INTELLECTUAL PROPERTY DEPARTMENT  
M/S41-SJ  
1109 MCKAY DRIVE  
SAN JOSE, CA 95131

EXAMINER
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AHMED, SELIM U

ART UNIT	PAPER NUMBER
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2826

NOTIFICATION DATE	DELIVERY MODE
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01/07/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

<b>Response to Rule 312 Communication</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/572,924	PETRUZZELLO ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	SELIM AHMED	2826

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

1. ☒ The amendment filed on 12 December 2008 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☒ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

Notice of Allowance sent on 09/26/2008 requested to show gate oxide in Fig. 1. However, applicants amendment filed on 12/12/2008 related to drawing and specification showing not only the gate oxide but also the thickness of the gate oxide as 600A. Since specification did not disclose 600A of gate oxide and applicants did not mention where such gate oxide thickness exist in the specification, examiner found that to be new matter. Simply an arrow showing the gate oxide is requested here. So, arrowed vertical lines showing the thickness of the gate oxide in Fig. 1 should be removed. The specification should not include 600A of gate oxide thickness if such thickness was not disclosed with original filing.

Examiner found the Element 111 correction appropriate however.

/Evan Pert/  
Primary Examiner, Art Unit 2826